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TO: Examiner Pedro Philogene

FAX NUMBER: 571-273-8300

COMPANY: Group Art Unit 3733

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FROM: Douglas A. Collier

FAX NUMBER: (317) 636-1507

RE: Response to Final Office Action for U.S. Patent Application No. 10/645,457 to Aurelian Bruneau, et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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PTO/SB/21 (09-04) Approved for use through 07/31/2006, OMB 0651-0031
U.S. Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/845,457 TRANSMITTAL Filing Date August 21, 2003 First Named Inventor **FORM** Aurelian Bruneau, et al. Art Unit 3733 Examiner Name Pedro Philogena (to be used for all correspondence after initial filing) Attorney Docket Number MSDF266/PC771.00 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC 1 Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify **Terminal Disclaimer** Extension of Time Request below): Facsimile Cover Sheet Request for Refund **Express Abandonment Request** CD, Number of CD(s)\_ Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Krieg DeVault LLP Signature Douglas A. Collier Printed name Reg. No. Date March 9, 2007 43,556 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mallin an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Date March 9, 2007 Douglas A. Collier Typed or printed name

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademerk Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	Before the Examiner:
Aurelian Bruneau et al.	)	Pedro Philogene
	)	
Application Serial No. 10/645,457	)	Group Art Unit:
	)	3733
Filed: August 21, 2003	) '	
	)	Attorney Ref. No.:
SYSTEMS AND METHODS FOR	)	MSDI-266/PC771.00
POSITIONING IMPLANTS RELATIVE	)	
TO BONE ANCHORS IN SURGICAL	)	March 9, 2007
APPROACHES TO THE SPINE	)	

## RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated January 22, 2007, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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March 9, 2007

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Response to Final Office Action Application Serial No. 10/645,457 Page 1 of 9